

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 95012

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-034-95

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

Nevada State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: **Petition 95012** permanently amends 445B.400 to 445B.735 to eliminate the requirements and references for the vehicle emission "enhanced inspection" program previously adopted by the Commission. The I/M program is scheduled to be implemented in the Las Vegas Valley. NAC 445B.730, 445B.732, and 445B.733 were repealed and 445B.592 was amended to exempt new motor vehicles from the requirements of an emissions inspection until the third registration.

Authority citation other than 233B: NRS 445.630

Notice date: August 31, September 6 and September 12, 1995

Hearing date: October 3, 1995

Date of Adoption of Agency: October 3, 1995

**LEGISLATIVE REVIEW OF ADOPTED
REGULATIONS AS REQUIRED
BY THE NEVADA ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

**PETITION 95012
LCB FILE R-034-95**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 95012 (R-034-95) was noticed three (3) times: August 31, September 6, 1995 and September 12, 1995 in the Las Vegas Review and Reno Gazette-Journal newspapers as a permanent petition. This petition was previously noticed as a temporary petition. No public comment was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670, or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

2. The number persons who:

- | | | |
|------------|---|----|
| (a) | Attended each hearing; | 23 |
| (b) | Testified at each hearing: | 14 |
| (c) | Submitted to the agency written comments: No comments were submitted for this petition. Overall, six comments were submitted to the Commission at the hearing when this petition was adopted. Also see petitions 95003, 96001 and 96002 for a discussion on the comments received. | |

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. No public comments were received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing in to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the State Environmental Commission hearing on October 3, 1995 with no changes proposed by the public, businesses or the agency. This regulations was previously adopted as a temporary regulation on June 20, 1995.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.
 - a. This regulations repeals a stringent and costly vehicle emission program. The adopted amendments will provide an economic benefit to stations offering services in the Las Vegas Valley. The I/M 240 equipment, currently required by regulation, will cost about \$ 130,000 per lane. The proposed program will require stations to purchase equipment costing an estimated \$ 20,000. Additional saving will be realized by not incurring costs of additional land and equipment or building modifications.
 - b. The inspection stations will be more available and the overall cost to the public will be greatly reduced. The public will also benefit by the certification of mechanics through more competent vehicle repairs.

6. The estimated cost to the agency for enforcement of the adopted temporary regulation.

There is no additional cost to the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate.

8. Whether this regulation contains provisions which are more stringent than a federal regulation which regulates the same activity and a summary of such provisions.

This regulation does not contain provisions more stringent than federal regulations governing the same activity.

9. Whether this regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No fees are established or increased by this regulation.

ADOPTED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R034-95

Explanation: Matter in *italics* is new; matter in [] is material to be omitted.

AUTHORITY: NRS 445.630

Section 1. Chapter 445B.4603 is hereby amended to read as follows:

445B.4603 1. A person shall not:

(a) Operate an authorized maintenance station without first obtaining a license from the department authorizing him to do so; or

(b) Engage in the business of installing, repairing or adjusting devices for the control of exhaust emissions in motor vehicles for the purpose of issuing a waiver in an area requiring a program for enhanced inspection [**pursuant to the provisions of NAC 445B.733,**] without first obtaining a license from the department authorizing him to operate an authorized maintenance station.

2. A license issued for an authorized maintenance station expires at midnight on December 31 of each calendar year.

Sec. 2. (Deleted by Legislative Counsel Bureau)

Sec. 3. NAC 445B.592 is hereby amended to read as follows:

445B.592 The provisions of subsection 3 of NAC 445B.576 and NAC 445B.593 to 445B.596, inclusive, do not apply to any:

1. Motorcycle or moped.
2. Motor vehicle which is subject to prorated registration pursuant to NRS 706.801 to 706.861, inclusive, and is not based in this state.
3. New motor vehicle [.] ***until the third registration of the vehicle.***
4. Motor vehicle permanently converted from gasoline to propane, compressed natural gas (CNG), methane or butane as a fuel.
5. Motor vehicle with a model year before 1968.
6. Heavy-duty motor vehicle powered by diesel engine.

Sec. 4. NAC 445B.596 is hereby amended to read as follows:

445B.596 1. A motor vehicle powered by gasoline which is a model year of 1968 or later and is subject to an inspection pursuant to NAC 445B.593, 445B.594, or 445B.595, must not have:

- (a) Smoke in its emissions from its exhaust or crankcase when the prescribed procedure for the testing is used.
- (b) Carbon monoxide or hydrocarbon, or both, in its emissions from its exhaust in excess of the limits set forth in subsection 3 or 4.

2. The measurements required by subsection 1 must be made with an approved exhaust gas analyzer and under the prescribed procedure. The engine must be at normal operating temperature, but if it has been operating at an idle for

more than 5 minutes, it must be purged before the measurement is taken.

3. **[Except as otherwise provided in NAC 445B.732, the]** *The* following standards apply to light-duty motor vehicles:

Model Year	Maximum CO(%)	Maximum HC(PPM)
1968-1969	4.0	800
1970-1974	3.5	700
1975-1978	2.5	500
1979-1980	2.0	500
1981 and newer	1.2	220

4. The following standards apply to heavy-duty motor vehicles:

Model Year	Maximum CO%	Maximum HC(PPM)
1968-1969	7.0	1400
1970-1978	6.0	1400
1979	5.0	1000
1980	4.0	1000
1981 and newer	3.5	1000

Sec. 5. (Deleted by Legislative Counsel Bureau)

Sec. 6. (Deleted by Legislative Counsel Bureau)

Sec. 7. NAC 445B.730, 445B.732 and 445B.733 are hereby repealed.

END OF LCB R034-95

TEXT OF REPEALED SECTIONS

445B.730 Establishment of program.

1. The commission hereby designates all areas with zip codes located within hydrographic area 212, as determined by the state engineer, which includes the Las Vegas Valley, and the area within the city limits of Boulder City as requiring a program for the biennial enhances inspection of all used motor vehicles, except motorcycles, which:

- (a) Are model year 1968 or later;
- (b) Have a gross weight of less than 8,500 pounds; and
- (c) Are powered by any fuel, except diesel fuel.

2. The program for enhanced inspection, which is to be established by the department in compliance with the federal requirements for an enhanced program as set forth in 40 C.F.R. Part 51, must provide for a decentralized test only network of inspection with persons who operate individual or multiple test only authorized inspection stations, as that network of inspection is described in 40 C.F.R. § 51.353.

3. The program for enhanced inspection required by this section must be operational during the 1995 calendar year. By December 31, 1995, the program must provide that:

(a) At least 30 percent of the vehicles which have a model year between 1968 and 1985, inclusive, must be inspected at test only authorized inspection stations using the two-speed exhaust emission test procedure which is specified in Subpart S of 40 C.R.F. Part 51;

(b) At least 15 percent of the vehicles which have a model year of 1986 or newer must be inspected at test only authorized inspection stations using a loaded mode emissions test approved by the EPA; and

(c) Vehicles which are not covered by paragraph (a) or (b) may be inspected and repaired at test and repair station licensed by the department using the procedure specified in NAC 445B.580.

4. Effective January 1, 1996:

(a) All vehicles which have a model year between 1968 and 1985, inclusive, must be inspected annually at test only authorized inspection stations using the two-speed exhaust emission procedure specified in Subpart S of 40 C.F.R. Part 51; and

(b) All vehicles which have a model year of 1986 or newer must be inspected on a biennial basis at test only authorized inspections stations using a loaded mode emissions test approved by the EPA.

445B.732 Standards for emissions; procedures for measurements.

1. A motor vehicle powered by any type of fuel, except diesel fuel, which has a model year of 1968 or later and is subject to inspection pursuant to this section, must not have:

(a) Smoke in its emissions from its exhaust or crankcase when the prescribed procedure for the testing is used.

(b) Carbon monoxide or hydrocarbon, or both, or oxides of nitrogen it is emissions from its exhaust in excess of the limits set forth in subsection 3 or 4.

2. The measurements required by subsection 1 must be made utilizing procedures which will be established by the department in compliance with Subpart S of 40 C.F.R. Part 51.

3. The following standards apply to light-duty motor vehicles in areas which require a program for enhanced inspection pursuant to NAC 445B.730, effective January 1, 1995:

(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, for light-duty motor vehicles:

	Maximum	Maximum	Maximum
<u>Model Year</u>	<u>CO(%)</u>	<u>HC(ppm)</u>	<u>NOX</u>
1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A

1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

<u>Model Year</u>	<u>Maximum</u> <u>CO(gpm)</u>		<u>Maximum</u> <u>HC(gpm)</u>		<u>Maximum</u> <u>NOX(gpm)</u>	
<u>Composite</u>	<u>Phase 2</u>		<u>C</u>	<u>o</u>	<u>m</u>	<u>p</u>
1986-1990	30	24	2.00	1.25	3.0	
1991 and newer	20	16		1 . 2 0	0 . 7 5	2 . 5

(b) For light-duty trucks which have a gross vehicle weight rating that is less than 6,000 pounds:

<u>Model Year</u>	<u>Maximum</u> <u>CO(%)</u>	<u>Maximum</u> <u>HC(ppm)</u>	<u>Maximum</u> <u>NOX</u>
1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A
1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

<u>Model Year</u>	<u>Maximum</u> <u>CO(gpm)</u>		<u>Maximum</u> <u>HC(gpm)</u>		<u>Maximum</u> <u>NOX(gpm)</u>	
<u>Composite</u>	<u>Phase 2</u>		<u>C</u>	<u>o</u>	<u>m</u>	<u>p</u>
1986-1987	80	64	3.20	2.00	7.0	
1988-1990	80	64	3.20	2.00	3.5	
1991 and newer	60	48	2.40	1.50	3.0	

(c) For light-duty trucks which has a gross vehicle weight rating that is 6,000 pounds or more:

<u>Model Year</u>	<u>Maximum</u> <u>CO(%)</u>	<u>Maximum</u> <u>HC(ppm)</u>	<u>Maximum</u> <u>NOX</u>
1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A
1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

	<u>Maximum</u> <u>CO(gpm)</u>	<u>Maximum</u> <u>HC(gpm)</u>	<u>Maximum</u> <u>NOX(gpm)</u>
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<u>Model Year</u>	<u>Composite Phase 2</u>		<u>C o m p o s i t e</u>			<u>P h a s e</u>		<u>2</u>
	<u>Composite</u>							
1986-1987	80	64	3.20	2.00	7.0			
1988-1990	80	64	3.20	2.00	5.0			
1991 and newer	60	48	2.40	1.50	4.5			

4. The following are the final standards for exhaust emission, which are to be applied to vehicles tested in the calendar years 1997 and later:

(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, for light-duty motor vehicles:

<u>Model Year</u>	<u>Maximum CO(%)</u>	<u>Maximum HC(ppm)</u>	<u>Maximum NOX</u>
1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A
1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

	Maximum CO(gpm)		Maximum HC(gpm)		Maximum NOX(gpm)		
Model Year	Composite Phase 2		Composite Phase 2				
	Composite						
1986-1995	15	12	0.80	0.50	2.0		
1996 and newer	10	8		0 . 6 0		0 . 4 0 1 . 5	
1991 and newer	60	48	2.40	1.50	4.5		

(c) For light-duty trucks which have a gross vehicle weight rating that is less than 6,000 pounds:

<u>Model Year</u>	<u>Maximum CO(%)</u>	<u>Maximum HC(ppm)</u>	<u>Maximum NOX</u>
1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A
1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

	Maximum CO(gpm)		Maximum HC(gpm)		Maximum NOX(gpm)		
<u>Model Year</u>	<u>Composite Phase 2</u>		<u>C o m p o s i t e</u>			<u>P h a s e</u>	<u>2</u>
	<u>Composite</u>						
1986-1987	80	64	3.20	2.00	7.0		
1988-1990	80	64		3 . 2 0		2 . 0 0	5 . 0
1991 and newer	60	48	2.40	1.50	4.5		

4. The following are the final standards for exhaust emission, which are to be applied to vehicles tested in the calendar

years 1997 and later:

(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, for light-duty motor vehicles:

<u>Model Year</u>	Maximum <u>CO(%)</u>	Maximum <u>HC(ppm)</u>	Maximum <u>NOX</u>
1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A
1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

<u>Model Year</u>	Maximum <u>CO(gpm)</u>	Maximum <u>HC(gpm)</u>	Maximum <u>NOX(gpm)</u>
	Composite Phase 2	C o m p o s i t e	P h a s e 2
	Composite		
1986-1995	15 12	0.80 0.50	2.0
1996 and newer	10 8	0 . 6 0	0 . 4 0 1 . 5

(b) For light-duty trucks which have a gross vehicle weight rating that is less than 6,000 pounds:

<u>Model Year</u>	Maximum <u>CO(%)</u>	Maximum <u>HC(ppm)</u>	Maximum <u>NOX</u>
1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A
1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

<u>Model Year</u>	Maximum <u>CO(gpm)</u>	Maximum <u>HC(gpm)</u>	Maximum <u>NOX(gpm)</u>
	Composite Phase 2	C o m p o s i t e	P h a s e 2
	Composite		
1986-1987	40 32	1.60 1.00	4.5
1988-1995	40 32	1.60 1.00	2.5
1996 and newer			
u 3750 LVW	10 8	0.60 0.40	1.5
> 3750 LVW	13 10	0.80 0.50	1.8

(c) For light-duty trucks which have a gross vehicle weight rating that is 6,000 pounds or more:

<u>Model Year</u>	Maximum <u>CO(%)</u>	Maximum <u>HC(ppm)</u>	Maximum <u>NOX</u>
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Petition 95012 (LCB File No. R034-95) was adopted as a permanent regulation by the Nevada Environmental Commission on October 3, 1995. LCB R034-95 became effective upon filing with the Secretary of State on November 9, 1995, by the Legislative Counsel Bureau.

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1968-1969	4.0	800	N/A
1970-1974	3.5	700	N/A
1975-1978	2.5	500	N/A
1979-1980	2.0	500	N/A
1981-1985	1.2	220	N/A

Model Year	Maximum CO(gpm)		Maximum HC(gpm)		Maximum NOX(gpm)					
	Composite	Phase 2	Composite	Phase 2	C	o	m	p	o	s
1986-1987	40	32	1.60	1.00	4.5					
1988-1995	40	32		1 . 6 0				1 . 0 0		2 . 5
1996 and newer										
u 5750 LVW	13	10	0.80	0.50	1.8					
> 5750 LVW	15	12	0.80	0.50	2.0					

5. For the purposes of subsection 3 and 4, the emission of hydrocarbon in vehicles manufactured after 1993 which meet emission standards for vehicles which have a model year of 1996 or newer are measurements of nonmethane hydrocarbons.

6. As used in this section:
- (a) "GPM" means grams per mile.
 - (b) "LVW" means loaded vehicle weight.
 - (c) "NOX" means oxides of nitrogen.

445B.733 Waiver from standards for emissions; extension of time to obtain repairs; provision of information to owners and lessors of vehicles.

1. If an area requiring a program for enhanced inspection as designated pursuant to NAC 445B.730, the department may grant a waiver from the standards set forth in NAC 445B.732 for a motor vehicle powered by any fuel, except diesel fuel.
2. An application for a waiver must include receipts or other evidence that at least \$450, or \$200 for those vehicles described by paragraph (c) of subsection 3 of NAC 445B.730, has been spent on parts and labor directly related to the deficiency in emissions. The amount spent on expenditures must be calculated to the value of the dollar in 1989 as determined by the Consumer Price Index established by the United States Department of Labor.
3. A waiver may not be granted unless all work on the vehicle is performed by a person who is licensed in accordance with the program established pursuant to NAC 445B.735. A waiver must be issued if the vehicle fails a retest after all qualifying repairs have been completed and the owner submits evidence that at least the minimum expenditure has been spent on parts and labor in accordance with subsection 2. A waiver issued pursuant to this section must be tracked by the department and is valid for one test cycle only.
4. The cost of testing emissions must not be included in the minimum expenditure required to obtain a waiver pursuant to subsection 2. Any available warranty must be used to obtain the needed repairs before any expenditure may be counted towards the cost of the needed repairs. The owner of a vehicle which is within the statutory age and mileage set forth in section 207(b) of the federal Clean Air Act (42 U.S.C. § 207(b)), as that sections exists on March 23, 1994, shall present a written denial of the warranty from the manufacturer or authorized dealer before any expenditures for repairs may be included in the cost of repairs pursuant to subsection 2.
5. A waiver may not be issued if the repairs that are required are a result of tampering. The cost of those repairs must

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not be included in the minimum expenditure required to obtain a waiver pursuant to subsection 2. The department may grant an exemption to this subsection if it determines that the part, or one similar to it, required to repair the vehicle is no longer available for sale.

6. The department may grant an extension of time to obtain the needed repairs on a vehicle when the requirements for a waiver cannot be met, upon receipt of proof that a valid economic hardship exists. The extension must not exceed the period of frequency of the required inspection and may be granted only once during the lifetime of the vehicle. The extension must be tracked and reported as a part of the program for enhanced inspection.

7. The department shall periodically, through public information programs and other means, inform owners and lessors of vehicles of warranties that may be available and ways to obtain repairs which are covered under warranty of the vehicle.

END OF REPEALED SECTIONS